

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JULY 5, 2011

CALL TO ORDER/NOTING OF QUORUM

Chairman Huskey called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Sturtz and Commissioner Guthrie. Superintendent Strittmatter, Executive Secretary Neal and Public Information Officer Thickstun were also in attendance.

Nancy Beals, Mary Walker, Patsy Boyd, Patricia Vernon, Ted Moller, Mark Webb, Nicole Upano, and Debbie Rolfsen were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the June 21, 2011 meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Vice Chairman Johnson moved to approve the parties' agreed dispositions that were submitted for the July 5, 2011 meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

CONSIDERATION OF APPLICATIONS

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by our staff with the authority of the Commission. Commissioner Guthrie seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for a new permit, which includes the tabled applications, or applications for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners. Vice Chairman Johnson seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for catering. Commissioner Guthrie seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits to be placed in escrow for not more than five years, which have been reviewed and recommended by a Commissioner as appropriate for escrow. Vice Chairman Johnson seconded. The motion was unanimously approved.

Three hundred forty-one (341) permits approved for renewal, thirty-four (34) new and/or transfer permits approved, nine (9) permits approved for catering, three (3) permits approved for first year

escrow, two (2) permits approved for second year escrow, one (1) permit approved for third year escrow, and one (1) permit approved for fourth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Commissioner Sturtz seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR49-21637 SABOR BOHEMIO LLC – Commissioner Guthrie noted this is a type 112 renewal with the local board voting two (2) to two (2).

Commissioner Guthrie noted as a procedural matter that two remonstrators appeared at the local board meeting late and were not allowed to speak.

Commissioner Guthrie moved to remand this application to the local board to allow the remonstrators the opportunity to voice their concerns. Commissioner Sturtz seconded. The motion was unanimously approved.

Chairman Huskey stated that even though this is not the venue for the remonstrators to voice their concerns, he wanted it noted for the record that remonstrators in this matter were present at the Commission meeting.

RR36-27814 DEBRICHAEL, INC. – Commissioner Guthrie noted this is a new type 111 application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie stated there was quite a bit of evidence presented by both sides and the local board weighed that evidence before making their recommendation.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the new application. Commissioner Sturtz seconded. The motion was unanimously approved.

RR33-22765 RSO, INC. - Commissioner Guthrie stated this permit was originally issued incorrectly as a type 210 permit. The permit location is not within the city limits and should be converted to a type 209 permit.

Commissioner Guthrie moved to approve the conversion. Vice Chairman Johnson seconded. The motion was unanimously approved.

RR04-22470 SQUEEZE INN, INC. – Commissioner Guthrie noted this application was before the local board as a renewal with Wilma Johnson as owner of corporation. Just prior to voting, an attempt was made to transfer the stock to Ms. Johnson's son. Per designated member of the local board, the son has had several problems with the Excise police in the past. Also, the paperwork submitted regarding the transfer of stock was not properly signed.

Commissioner Guthrie stated the local board requests that this matter be remanded for reinvestigation.

Commissioner Guthrie moved to uphold the request of the local board. Commissioner Sturtz seconded. The motion was unanimously approved.

INACTIVE FILES

INACTIVE FILES- Vice Chairman Johnson moved to make sixty-three (63) permits inactive. Forty-three permits are not subject to auction and twenty (20) permits are subject to auction. Commissioner Guthrie seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

NON-RULE POLICY ATC-005 – Commissioner Guthrie noted Staff Attorney Melissa Coxey submitted Non-Rule Policy ATC-005 for approval by the Commission. This policy states that only Master Certified Trainers may train individuals who plan to become certified trainers for alcohol servers.

Commissioner Guthrie moved to approve this non-rule policy. Commissioner Sturtz seconded. The motion was unanimously approved.

ANNOUNCEMENTS

INTRODUCTION OF SUPERINTENDENT STRITTMATTER AND EXECUTIVE SECRETARY NEAL – Chairman Huskey welcomed to the Commission, Superintendent Matt Strittmatter, who is a former sheriff of Wayne County and former state trooper, and Executive Secretary Davey Neal, who has worked in many parts of state government.

Superintendent Strittmatter thanked the Chairman and stated he is looking forward to working with the State Excise Police.

Executive Secretary Neal also thanked the Chairman and stated he is looking forward to trying to fill the shoes of the former executive secretary.

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

Approved this _____ day of _____, 2011.

ALEX HUSKEY, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER